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The Lee Commission.

196 Q.—Mr. S. SATYAMURTI: Will the hon. the Member for Finance be pleased to state—

(a) whether the Government of Madras was consulted with regard to the appointment of the Lee Commission;

(b) what the opinion of the Government of Madras on the matter was and whether it was unanimous;

(c) whether the Government of Madras selected the witnesses—associations as well as individuals—to give evidence before the Commission, or whether they were consulted in the matter;

(d) what are the names of the associations or individuals whom the Government selected or recommended to give evidence before the Lee Commission, and on what principle the selection or recommendation was made;

(e) whether the name of the Madras High Court Vakils' Association was suggested to the Commission by the Government; and

(f) whether the Government have placed any proposals before the Lee Commission, and, if so, what they are?

A.—(a) & (b) The answer is in the negative.

(c) & (d) The Government distributed copies of the questionnaires to a number of associations and individuals, of whom a list has already been published in the newspapers, and the Commission selected from among those who sent in written replies the witnesses from whom they wished to receive oral evidence.

(e) The answer is in the negative.

(f) The correspondence and discussions between the Government and the Commission were confidential.

Reforms.

Power of appointment and control by Ministers.

197 Q.—Rao Bahadur T. A. RAMALINGA CHETTIYAR: Will the hon. the Member for Finance be pleased to state—

(1) whether it is a fact that the power of control and appointment possessed by the Ministers before were curtailed within the last few months; if so, when were they so curtailed;

(2) whether the Ministers have agreed to the changes made in the rules, procedure followed or the curtailment of their powers; if so, when; and

(3) what are the powers of the Ministers with reference to appointment and control of officers in the Transferred departments; in what respects do they differ from those of Executive Councillors in the Reserved departments?

A.—(1) & (3) The general powers of Members of Council and Ministers in respect of subjects committed to their control are defined in sections 50 and 52 of the Act, respectively. Briefly speaking, in the case of Reserved subjects, when a difference of opinion arises, the opinion of the majority prevails unless the Governor sees reason to reject it on the ground that the safety, tranquillity or interests of the province would be essentially affected if it were put into operation. In the case of Transferred subjects, the Governor is guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion.

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These general powers are limited by the Devolution Rules framed under section 45-A (2) (iv) of the Act, which provide (Schedule I, Part II, item 47) that the general control of service questions rests in the Governor in Council and (rule 10) that the personal concurrence of the Governor is necessary in respect of all orders to the prejudice of officers of All-India and Provincial services and of all postings of officers of All-India services.

They are further subject to the general body of rules and other provisions in operation at the time of the passing of the Government of India Act which are preserved by sections 96-B (4) and 133 of that Act. One of these provisions is embodied in despatches of the Court of Directors which lay down that it rests with the Governor to select and nominate the individuals whom he may consider to be best qualified and to have the best claims to supply vacancies in office and that the concurrence of the Members of Council to the nominations of the Governor ought not to be withheld unless specific objections to the persons selected are considered to be of material importance on the ground of unfitness for the particular office. There is also a large body of rules and orders governing qualifications for appointments, powers of heads of departments and other cognate matters.

They are further subject to the rules framed by the Secretary of State in Council under section 96-B (2) of the Act for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct; and in respect of the Indian Civil Service to the rules framed under section 97 of the Act. The principal rules so far framed under these sections are the Fundamental Rules and the rules dealing with the classification of the services and examinations for the Indian Civil Service.

Lastly they are subject to the provisions of clause VII (4) of the Instrument of Instructions which requires the Governor to safeguard all members of the services in the legitimate exercise of their functions and in the enjoyment of all recognized rights and privileges, and to see that all things are ordered justly and reasonably in their regard and that due obedience is paid to all just and reasonable orders and diligence shown in their execution.

It will be seen from the above that the bulk of the duties in relation to the public services are laid upon the Governor. He must take the initiative in appointments; he must personally concur in every order to the prejudice of an officer in an All-India or Provincial service, and in the case of All-India services, even in postings; and he is generally charged with the protection of the services against political influences.

So far as concerns the giving of advice to the Governor, the powers of Members of Council and Ministers are identical subject to the difference in the general powers prescribed by sections 50 and 52 of the Act. The further powers of the Governor in Council and the Governor acting with Ministers are derived from

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Finance.

Non-gazetted public servants.

184 Q.—Khan Bahadur HAJI ABD-UL-LAH HAJI QASIM SAHIB Bahadur : Will the hon. the Member for Finance be pleased to state—

(i) the number of houseless indigent non-gazetted public servants including local and municipal ; and

(ii) if the Government have no information on the subject, whether the Government will be pleased to get the necessary statistics from all the districts ?

A.—(i) The Government have no information as to the number of public servants who own no houses. They can only say that the rules provide for the grant of advances for building them and that the extent to which advantage is taken of these rules is small.

Indigence is a matter of degree. If the hon. Member fixes the salary which he regards as connoting indigence, he will be able to prepare from the Civil Budget Estimate figures of the number of officers who derive incomes of less than the limit fixed from the Government.

(ii) The Government see no object in collecting statistics as to the extent to which public servants, who by the nature of their work cannot always live in their native districts, are in possession of houses either there or elsewhere.

Government Press.

185 Q.—Mr. M. RATNASWAMI : Will the hon. the Member for Finance be pleased to furnish information as to the kinds of high class printing work done at the Government Press which require the retention of a highly-paid European staff ?

A.—The hon. Member appears to assume, first, that the rate of salary paid to the supervising officers in the Government Press is high, secondly, that it is high because the officers are Europeans, and thirdly, that European supervision is necessary only for high class printing work. None of these assumptions is correct. The rates paid are less than those paid in private firms. Europeans are employed because it has been found impossible after advertisement to secure men with the necessary training in India. The simplest as well as the most complex printing work can be high class or low class. In other words the simplest impression, if wrongly taken, may result in ruining the fount of type from which it is taken. The Government have reason to believe that the work of all classes done in the Government Press will be found to compare favourably in respect of its execution with work done elsewhere in India.

Mr. M. RATNASWAMI :—“ May I ask the Government whether in private firms, like Messrs. Hoe & Co., and others the same kind of printing work as is done in the Government Press is not done and, if so, whether these private firms also require the European supervision that is required by the Government Press ? ”

The hon. Sir CHARLES TODHUNTER :—“ I believe, Sir, that, generally speaking, that is the case. I cannot disclose any information I have about the concerns of any particular firm.”

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Mr. Ramalinga Chettiyar, will accept the suggestion of the hon. the Finance Member and will reduce to writing any questions he wishes to put by way of supplementary questions to the present question, or with reference to the question which he says has been omitted, I shall endeavour to get the answers in the usual manner, if necessary, by shortening the period of notice."

Mr. C. RAMALINGA REDDI:—"Sir, I wish to make an appeal, if I may. We came rather early to study this particular question. The answer to it is very long and complicated and it is one which raises the whole question of the position of Ministry under the Reforms Act. I want to ask a number of supplementary questions, not one or two but quite a number of questions, and I would like to have some time for going through this answer and preparing my supplementary questions. Therefore if the hon. the Leader of the House has no objection I would also join my colleague to have the whole question postponed till to-morrow and taken up as the first item, because it is a very important matter as it raises the whole question of the position and the powers of the Ministry under the Responsible Government. I think, Sir, you will kindly see your way to meet our wishes in the matter."

The hon. the PRESIDENT:—"For the purpose of asking supplementary questions, the Leader of the House and myself agree to allow the main questions to stand over till to-morrow: the supplementary questions should be put in writing to-day, and unless the Leader of the House says to the contrary, we shall endeavour to give them the answers, if possible, by to-morrow."

The hon. Sir CHARLES TODHUNTER:—"I shall certainly do my best to reply to any question that is put to me. In view, however, of the importance of the matter and of the complicated nature and of the large number of questions that the hon. Member proposes to ask, I cannot give any definite undertaking, but I shall try to reply to them to-morrow."

Mr. C. RAMALINGA REDDI:—"Is it understood that the supplementary questions may be put to-morrow?"

The hon. the PRESIDENT:—"I should prefer that the questions are handed over to the Secretary so that the hon. the Leader of the House may have some time to look into them. It would not be fair on my part to defer the questions till to-morrow if no time was allowed to the hon. the Finance Member to go through them. Hon. Members say that it will take a whole day to frame supplementary questions, and should not the hon. the Finance Member have at least half of that time for preparing his answer?"

Mr. C. RAMALINGA REDDI:—"I would like to get an answer on one point and that is, as to what exact meaning is attached to the wording 'that so far as the Transferred Subjects are concerned His Excellency shall act on the advice of the Ministers.' That is the wording of the Report of the Joint Committee."

The hon. the PRESIDENT:—"It would be fair, now that an arrangement has been arrived at that the whole question should be taken up to-morrow and that notices are given in writing by the hon. Member, Mr. C. R. Reddi, and any other Member who may wish to ask supplementary questions: all these questions should be handed over to the Secretary by 5 o'clock this afternoon, if possible earlier."